

The City Council met in joint session with the Madera County Board of Supervisors at the hour of 8:46 a.m. in Room 2015 of the new Convention Center Exhibit Hall, and later in regular session at City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Nick Yovino, Planning & Development Director
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Also present were Vern Moss, Chairman, Madera County Board of Supervisors, Supervisors Frank Bigelow, Ronn Dominici, John Silva and Gary Gilbert, Madera County Administrative Officer Stell Manfredi, County Counsel David Prentice, Planning Director Dave Herb, and necessary staff.

Pastor Larry Patton, Wesley Methodist Church, gave the invocation, and Supervisor Moss led the Pledge of Allegiance to the Flag.

OPENING COMMENTS FROM MADERA COUNTY BOARD OF SUPERVISORS AND FRESNO CITY COUNCIL MEMBERS

Welcomes and opening comments were made by President Boyajian, Chairman Moss, Councilmember Calhoun, Acting President Castillo, and City Manager Hobbs, who spoke to looking forward to working with the Supervisors, to the need for on-going dialog, to the critical issues to be faced and the affects on the two jurisdictions, and to the need for everyone to be at the table.

PRESENTATION OF MADERA COUNTY GENERAL PLAN AND ITS IMPACT ON THE CITY OF FRESNO

1. COMMENTS AND DISCUSSION

Madera Planing Director Herb advised air quality, water quantity, traffic, and economic development were the four interrelated economic and environmental that would spin off growth and reviewed each factor, all as contained in the report to the agencies as submitted.

Planning & Development Director Yovino stated Madera's growth/development in unincorporated southern Madera County was anticipated to have demographic, transportation, environmental, and fiscal impacts upon the city and reviewed each of the impacts, all as contained in the report as submitted.

Lengthy discussion ensued with the Supervisor Bigelow, Chair Moss, Supervisor Gilbert, Acting President Castillo, Councilmember Duncan, President Boyajian, Councilmember Calhoun, Supervisor Dominici, and Councilmembers Sterling and Perea speaking to various issues relative to issues and challenges to face and address, the need to talk about issues that are achievable, need for regional cooperation and group, water driving the economy way into the future, the water table overdraft situation and how it was being managed, not using Kings River water, reconciling growth numbers with Madera, need to include Fresno County and Clovis as they also impact the region, water needs and importance of looking at new sources, water being available and the problem being distribution, need to address the east/west corridor, growth impacts, competing for tax dollars, importance of grants and need for active cooperation to attract grant funds, need to balance over-building and under-building, complementing growth, Fresno's growth already planned out/what role Fresno will play across the river/what Fresno can do about Madera's impact on Fresno's general plan, the river dividing and binding the two jurisdictions, support for a regional group, need to put talk into action, Madera's monthly meetings with the City of Chowchilla resulting in great cooperation and desire for monthly meetings with Fresno (either joint committees or both boards), ability to plan together if meetings are held on a regular basis, Fresno, Madera and Clovis

when/if Fresno's general plan is fully implemented, desire for a presentation on the Temperance Flat dam, water issues being known and need to address transportation issues, the Rio Mesa area challenges/issues and Madera committed to addressing those issues before development proceeds, if Fresno staff has talked with Madera on transportation issues, need for a regional transportation authority, population expected for the Rio Mesa development, need to study Clovis' northeast growth, request for an overview of Temperance Flat so all entities can take a position, impact on Fresno if Measure C fails, if the issue of water closer to the river was also a problem with the City of Madera, and air service and if discussions were occurring relative to a joint powers authority. Mr. Yovino, Mr. Herb, and Transit Manager Rudd responded to questions/comments throughout.

RECESS - 10:10 A.M. - 10:27 A.M.

PRESENTATION OF CITY OF FRESNO GENERAL PLAN AND ITS IMPACT ON MADERA COUNTY

1. COMMENTS AND DISCUSSION

Mr. Yovino summarized Fresno's General Plan per his report dated February 5, 2003, as submitted, and noted the impacts were included in the report.

Lengthy discussion ensued with President Boyajian, Mr. Hobbs, Supervisor Bigelow, Chair Moss, Mr. Herb, Supervisors Silva and Gilbert, Acting President Castillo, Councilmember Perea, Supervisor Dominici, and Councilmembers Sterling and Calhoun speaking to various issues relative to Fresno's current proposal to expand its water supply and impact of no additional supplies, Temperance Flat maybe being a critical issue and necessary to allow development on both sides of the river, how Fresno's past planning has now changed and need for hard discussions, what Temperance Flat will provide for, the two jurisdictions being one community and need to accept each other's plans, water availability, the Fresno-Madera jobs initiative program including need for a Madera County representative on the board, number of jobs proposed, and resulting housing units that will be needed for those jobs (**3 - 0**); need for plan implementation and sustain ability, and need for qualified workforce along with job creation. Public Utilities Director McIntyre, Supervisor Bigelow, Mr. Herb and Mr. Yovino responded to questions/comments throughout.

Chair Moss noted issues needed to be identified for future meetings, discussion ensued on establishing priorities/issues, and the following issues were identified for future discussion: air quality, transportation (east/west corridor, high speed rail, rail consolidation), fire cooperation, unemployment, water/Fresno Irrigation District involvement, connecting with the Regional Jobs Initiative, and Measure C.

Councilmember Calhoun stated the bodies seemed to be skirting around the issue of a development plan, he wasn't hearing there was anything wrong with the plans, and questioned if the bodies were agreeing to both growth plans. President Boyajian stated he was hearing maybe a merger of plans, Supervisor Silva reiterated his suggestion was an overlay of plans, and Chair Moss clarified there was a willingness to discuss. Acting President Castillo stated no one could be forced to vote for each others' plans and added a relationship of trust and respect for each others' plans was needed. Supervisor Dominici stated he wanted to see a joint consolidation of benefits for everyone. Councilmember Calhoun stated if everything planned works out for both jurisdictions Fresno was going to have "one mess" of a sprawl issue, with Mr. Hobbs stating timing may be critical in the implementation of the plans and explained.

Councilmember Sterling stated she would serve on the committee for jobs and planning and Councilmember Duncan stated he would serve on the water committee. Noting multiple committees were being talked about, City Attorney Montoy suggested the original joint committee members meet, consider all the priority areas identified, and report back with a mechanism on how to proceed. Chair Moss stated his intent was to identify a list of priorities and for both bodies to select the top two to discuss at the next meeting and leave the remaining issues for future dates acknowledging everyone did not have the hours to contribute to all the issues at one time. Ms. Montoy's suggestion was accepted by consensus.

Madera County Administrative Officer Manfredi spoke to the issue of money noting noted Fresno and Madera addressed the same markets, stated the same people were crossing lines and the bottom line was both jurisdictions were looking for a quality of life, and stated as things move forward he felt side letters, amendments, or modifications to the general plans could be incorporated so things could get done and added he was willing to work with Mr. Hobbs on any level.

Acting President Castillo noted the bodies had pretty much determined water was going to be a key issue and it was made clear for Madera's growth to occur Temperance Flat was needed, and stated he felt the two biggest issues this date were unemployment and transportation.

President Boyajian thanked everyone for attending and stated he felt some inroads had been made and hopefully everyone understood each other better and would continue to better understand each other in the future.

PUBLIC COMMENT

Speaking to various issues were: a gentleman whose name was inaudible who stated growth was inevitable, growth management was at issue, present water needs need to be thought about today and 25 years from now, and the bodies needed to work towards progress; Barbara Hunt who spoke to city boundaries, growth beyond the boundaries affecting the Sphere of Influence and impacting the city, and concern with amendments to the general plan; and Gloria Torrez who spoke to the need to address transportation issues, involve the public in meetings, air pollution problems, and questioned how Fresno could include Madera when they can not even handle their own transit problems.

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RECESS - 11:36 A.M. - 1:30 P.M.

The City Council reconvened in regular session at the hour of 1:30 p.m. in the Council Chamber, City Hall. Acting President Castillo arrived later.

APPROVE MINUTES OF SEPTEMBER 16, 2003

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of September 16, 2003, approved as submitted.

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APPROVE AGENDA:

(4:15 P.M. "B") CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: FRESNO CITY EMPLOYEES ASSOCIATION (FCEA)

Continued to September 30, 2003.

(1-R) AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO ACCEPT THE GRANT OFFER FOR \$1,000,000 FROM THE U.S. DEPARTMENT OF TRANSPORTATION (DOT) AND SIGN THE GRANT AGREEMENT FOR THE SMALL COMMUNITY AIR SERVICE DEVELOPMENT PILOT PROGRAM ON BEHALF OF THE CITY

City Manager Hobbs added the following language to the end of the title: "..., *SUBJECT TO LEGAL REVIEW AND APPROVAL*". So noted.

(2-A) RESOLUTION - CREATING A PUBLIC SAFETY COMMISSION TO CONDUCT AN ASSESSMENT OF THE PUBLIC SAFETY NEEDS OF THE CITY AND PROVIDE RECOMMENDATIONS TO THE MAYOR AND COUNCIL FOR THE DESIRED LEVELS OF PUBLIC SAFETY FOR OUR COMMUNITY INCLUDING A PUBLIC SAFETY FUNDING PLAN FOR THE FUTURE

Councilmember Calhoun request the above item be set for a time certain for the presence/convenience of the Fire and Police Chiefs.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, Item 2A set for 4:45 p.m. this date, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	Castillo

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the **AGENDA** hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Boyajian
 Noes : None
 Absent : Castillo

CONSIDER CONSENT CALENDAR:

(1-N) APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH URS CORPORATION FOR THE ENVIRONMENTAL ANALYSIS AND ENVIRONMENTAL IMPACT REPORT STUDY AT FRESNO YOSEMITE INTERNATIONAL AIRPORT FUNDED, AND SUBJECT TO APPROVAL BY, FEDERAL AVIATION ADMINISTRATION (FAA) ENTITLEMENT GRANT AIRPORT IMPROVEMENT PROJECT (AIP) 43

Laid over one week at the direction of City Attorney Montoy.

Acting President Castillo arrived at 1:36 p.m.

Barbara Hunt, 2475 S. Walnut, spoke to **Item 1-G** questioning where the funds were coming from; to Item **1-N** questioning why the airport was named Fresno Yosemite and speaking to the grant funds; and to Item **1-O** questioning how the agreement could be amended without going through the Charter.

Councilmember Calhoun acknowledged the grant awarded to the City and commended Airports staff in securing the grant stating it would hopefully attract additional air carriers.

ADOPT CONSENT CALENDAR:

(1-A) APPROVE APPOINTMENTS OF COUNCILMEMBERS CALHOUN AND DAGES TO AN AD HOC COMMITTEE TO DEVELOP A POLICY REGARDING APPOINTMENT PROCESS FOR BOARDS AND COMMISSIONS - PRESIDENT BOYAJIAN

(1-B) RESOLUTION NO. 2003-291 - APPROVING THE SUMMARY VACATION OF PORTION OF MARKS AVENUE, JEANNE AVENUE AND SHAW AVENUE, A SLOPE EASEMENT ON THE WEST SIDE OF MARKS AVENUE NORTH OF SHAW, AND A PORTION OF THE RELINQUISHMENT OF ACCESS RIGHTS ALONG THE NORTH SIDE OF SHAW EAST OF MARKS AVENUE

(1-C) RESOLUTION NO. 2003-292 - DEDICATING CERTAIN CITY-OWNED PROPERTY FOR PUBLIC STREET PURPOSES, PROPERTY LOCATED ON THE NORTH SIDE OF W. SHAW AVENUE BETWEEN N. MARKS AND THE BURLINGTON NORTHERN AND SANTA FE RAILROAD

(1-D) REMOVED FROM THE AGENDA

(1-E) APPROVE REQUEST FROM NATIONAL PLANT SERVICES, INC., TO SUBSTITUTE WASTE MANAGEMENT WITH KROEKER, INC., FOR THE TRUNK-LINE CLEANING PROJECT, PHASE 3, PROJECT ID RC00031

(1-F) APPROVE THE PURCHASE OF A STREET EASEMENT VALUED AT \$500 FROM PROPERTY OWNED BY THE MARGARET JENSEN REVOCABLE TRUST AT THE NORTHWEST CORNER OF HERNDON AND WEST AVENUES; AND AUTHORIZE THE ASSISTANT PUBLIC WORKS DIRECTOR TO ACCEPT THE DEED OF EASEMENT AND EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

(1-G) RESOLUTION NO. 2003-293 - 22ND AMENDMENT TO AAR APPROPRIATING \$718,600 OF UNEXPENDED FY 2003 APPROPRIATIONS FOR PROJECT DESIGN, DEVELOPMENT AND BIDDING COSTS FOR THE NEW PARKING STRUCTURE AT THE CONVENTION CENTER

(1-H) AUTHORIZE THE CITY MANAGER TO SIGN THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE COUNCIL OF FRESNO COUNTY GOVERNMENTS TO PROVIDE IN-KIND SERVICES FOR A FREEWAY INTERCHANGE DEFICIENCY STUDY GRANT

(1-I) RESOLUTION NO. 2003-294 - 26TH AMENDMENT APPROPRIATING \$270,000 FOR THE ENVIRONMENTAL ASSESSMENT AND DESIGN OF THE "O" STREET IMPROVEMENT PROJECT FROM STATE ROUTE 41 TO VENTURA STREET

(1-J) APPROVE ACQUISITION OF AN EASEMENT FOR \$60,000 FROM DAVID K. SIMONIAN, ET AL., FOR A PORTION OF APN 312-101-38, REQUIRED FOR THE CONSTRUCTION OF A PORTION OF POLK AVENUE, SOUTH OF MCKINLEY

1. AUTHORIZE THE ASSISTANT PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT FOR PURCHASE AND SALE OF EASEMENT ON REAL PROPERTY AND ESCROW INSTRUCTION AND ANY OTHER DOCUMENTS NECESSARY TO CLOSE THE TRANSACTION

2. RESOLUTION NO. 2003-295 - 31ST AMENDMENT TO AAR 2003-209 APPROPRIATING \$65,600 FOR ACQUISITION OF THE EASEMENT ON POLK AVENUE SOUTH OF MCKINLEY

(1-K) AWARD A CONTRACT TO AGEE CONSTRUCTION COMPANY OF CLOVIS, CA IN THE AMOUNT OF \$767,541.50 TO REHABILITATE THE HERNDON CANAL BRIDGE AT PALM AND DAKOTA AVENUES

(1-L) RESOLUTION NO. 2003-296 - 32ND AMENDMENT TO AAR 2003-209 APPROPRIATING \$150,000 FOR THE POLICE DEPARTMENT'S SAFETY EDUCATION AWARENESS TRAINING (S.E.A.T.) PROGRAM

(1-M) APPROVE THE PROPOSED SPENDING PLAN FOR THE FY 2003-2004 STATE OF CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT SERVICE FUND (SLESF)

(1-O) ADOPT ADDENDUM NO. 7 TO THE FRESNO-CLOVIS REGIONAL SEWERAGE SYSTEM JOINT POWERS AGREEMENT DATED MARCH 1977, AMENDING ARTICLE VII AS IT APPLIES TO SEWER DISCHARGE REGULATIONS

(1-P) APPROVE AN INTERAGENCY COST REIMBURSEMENT AGREEMENT WITH THE FRESNO IRRIGATION DISTRICT (FID) TO DESIGN SOURCE WATER PROTECTION IMPROVEMENTS AND CONDUCT CAPACITY ENHANCEMENT OPERATIONS FOR THE ENTERPRISE CANAL; AND AUTHORIZE STAFF TO NEGOTIATE AND ENTER INTO AN INTERAGENCY COST REIMBURSEMENT AGREEMENT WITH THE FID FOR CONSTRUCTION OF CAPACITY AND SANITARY IMPROVEMENTS

(1-R) AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO ACCEPT THE GRANT OFFER FOR \$1,000,000 FROM THE U.S. DEPARTMENT OF TRANSPORTATION (DOT) AND SIGN THE GRANT AGREEMENT FOR THE SMALL COMMUNITY AIR SERVICE DEVELOPMENT PILOT PROGRAM ON BEHALF OF THE CITY

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

(1-Q) RESOLUTION NO. 2003-297 - CONDITIONALLY APPROVING ELAINE LONG AS A CARD ROOM POINTHOLDER IN CLUB ONE, INC., PURSUANT TO FRESNO MUNICIPAL CODE SECTION 7-515

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the above the above entitled Resolution No. 2003-297 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Perea, Sterling, Boyajian
Noes	:	Duncan
Absent	:	None

(2-B) BILL NO. B-84 - ORDINANCE NO. 2003-84 - ADDING ARTICLE 22 TO CHAPTER 2 OF THE FRESNO MUNICIPAL CODE RELATING TO CAMPAIGN CONTRIBUTION LIMITS FOR CANDIDATES FOR ELECTIVE CITY OFFICE

City Attorney Montoy gave a brief overview of the issue.

Barbara Hunt, 2475 S. Walnut, spoke in opposition to setting limits.

On motion of Acting President Castillo, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill No. B-84 adopted as Ordinance No. 2003-84, by the following vote:

Ayes : Calhoun, Castillo, Dages, Perea, Sterling
 Noes : Duncan, Boyajian
 Absent : None

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(3-A) CONSIDER APPROVAL FOR A COUNCIL OVERRIDE VOTE OF THE NEGOTIATED AGREEMENT BETWEEN THE CITY AND GLOBAL SPECTRUM CORPORATION FOR THE OPERATION AND MARKETING OF THE FRESNO CONVENTION CENTER FACILITIES VETOED BY MAYOR AUTRY ON SEPTEMBER 18, 2003 - PRESIDENT BOYAJIAN

1. PRESENTATION BY GLOBAL SPECTRUM REGARDING CONTRACT NEGOTIATIONS AND LEGAL ISSUES - ACTING PRESIDENT CASTILLO (CONSIDERED AGAIN LATER IN THE MEETING)

Acting President Castillo requested the matter be delayed to later in the meeting to allow the involved parties to be present and brief discussion ensued.

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, **Item 3-A** set for 3:30 p.m. this date, by the following vote:

Ayes : Castillo, Dages, Perea, Sterling, Boyajian
 Noes : Calhoun, Duncan
 Absent : None

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(4-A) SCHEDULED PUBLIC COMMENT - APPEARANCE BY BARBARA HUNT TO DISCUSS A MASTER SETTLEMENT AGREEMENT (MSA) AND THE SPHERE OF INFLUENCE

Appearance made with Ms. Hunt expressing concern with southwest Fresno boundaries and stating the MSA had not been signed.

City Attorney Montoy noted for the record Ms. Hunt has raised the issue of the MSA six times and clarified the agreement was valid and the judge had signed off on it, and stated there was no need for Ms. Hunt to speak on this issue again; and relative to city boundaries clarified the city of Fresno started off small in size and through legal processes/annexations it had grown and there was also no need to raise this boundary issue again.

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RECESS - 1:54 P.M. - 2:22 P.M.

(2:15 P.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 55, TRACT NO. 5102

1. RESOLUTION NO. 2003-298 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2003-299 - CALLING SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2003-300 - DECLARING ELECTION RESULTS

4. BILL NO. B-85 - ORDINANCE NO. 2003-85 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn gave a brief overview of the issue as contained in the staff report as submitted.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-298, 2003-299 and 2003-300 hereby adopted, and the above entitled Bill No. B-85 adopted as Ordinance No. 2003-85, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(2:20 P.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 56, TRACT NO. 5190

1. RESOLUTION NO. 2003-301 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2003-302 - CALLING SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2003-303 - DECLARING ELECTION RESULTS

4. BILL NO. B-86 - ORDINANCE NO. 2003-86 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Assistant Public Works Director Kirn gave an overview of the issue as contained in the staff report as submitted and along with Chief Assistant City Attorney Sanchez responded to questions of Acting President Castillo relative to meaning of "future tax years", how future residents could be encumbered, what the tax collected was based upon, who is assessed the assessment, when it is determined sufficient funds are collected for maintenance, residents' rights relative to accounting of funds, if assessments have been charged over a period of time and if it can be assumed enough funds are collected and available, if businesses are assessed, if sidewalk problems can be addressed with these funds, process for residents to determine if adequate funds area available to maintain their area, if funds are used for median islands, where funds are located in the city budget, if the funds could be used to leverage grants, if the funds are for maintenance only, if the funds can be used to purchase right-of-way or excess land that is unusable, and finding out how funds can be used in the area of Norwich and Maple Avenues.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Dages, seconded by President Boyajian, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-301, 2003-302 and 2003-303 hereby adopted, and the above entitled Bill No. B-86 adopted as Ordinance No. 2003-86, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(2:30 P.M.) CONTINUED HEARING ON REZONE APPLICATION NO. R-03-027 AND ENVIRONMENTAL FINDINGS, FILED BY YOSEMITE POINT PARTNERSHIP, PROPERTY LOCATED ON THE EASTSIDE OF N. BLYTHE SOUTH OF W. ASHLAN AVENUE (DISTRICT 1)

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-027/C-03-078, FINDING OF CONFORMANCE WITH 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

2. BILL NO. B-87 - ORDINANCE NO. 2003-87 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO R-2/UGM, WITHOUT ZONING CONDITIONS

142-108

9/23/03

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Planner Haro gave a Power Point review of the issue at length **(5 - 0)**, all as contained in the staff report as submitted, and concluded stating staff felt the project was appropriate and recommended approval.

Speaking to the issue were: Mike Pistoresi, 413 W. Yosemite, Madera, who further reviewed the project displaying a site plan to illustrate and requested approval; and Barbara Hunt, 2475 S. Walnut, support.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Mr. Haro and Mr. Mulligan responded to comments and/or questions of President Boyajian relative to support for the developer's contributions, the history of the area, residents' frustration with lack of a plan, traffic concerns, Ashlan widening and freeway off-ramp, status of Steinbeck School, if the school district had concerns with overcrowding, if any other schools were planned for the area, and need for a plan and for staff to continue to look at innovative financing to address impacts.

On motion of Councilmember Sterling, seconded by Councilmember Duncan , duly carried, RESOLVED, Environmental Assessment No. R-03-027/C-03-078 dated July 16, 2003, resulting in a Finding of Conformance hereby approved, and the above entitled Bill No. B-87 adopted as Ordinance No. 2003-87, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(2:45 P.M.) HEARING ON CREATION OF RESIDENTIAL PERMIT PARKING DISTRICTS 6 AND 7

1. RESOLUTION NO. 2003-304 - CREATING THE BOUNDARIES OF RESIDENTIAL PERMIT PARKING DISTRICT 6, LOCATED ON SAN GABRIEL AVENUE BETWEEN N. MAPLE AND N. JACKSON AVENUES INCLUDING BOTH SIDES OF THE STREET
2. RESOLUTION NO. 2003-305 - CREATING THE BOUNDARIES OF RESIDENTIAL PERMIT PARKING DISTRICT 7, LOCATED ON E. ALAMOS BETWEEN N. RECREATION AND N. WOODROW AVENUES (NORTH SIDE ONLY) AND ON N. WOODROW FROM E. ALAMOS TO 425 FT. NORTH OF E. ALAMOS (EAST SIDE ONLY)

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Transportation Affairs Manager Madewell reviewed the issue as contained in the staff report as submitted displaying maps to illustrate. Acting President Castillo advised this issue was initiated by area residents due to upcoming events at the Save Mart Arena, stated establishing these districts would alleviate the problem of people parking wherever they could and added more districts would probably be coming forth in the future, and made a motion to approve the resolutions, which motion was seconded and acted upon after discussion.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Mr. Madewell clarified issues and/or responded to questions of Councilmembers Dages and Calhoun relative to why just one street was being designated and not the whole district, the process and if petitions were signed, understanding that parking districts were consistent city-wide and southeast being different, foreseeing the problem of people just moving from street to another, if homeowners paid fees, if residents in the City College area paid the same fees, what the incentive was to not just have streets posted, who set the city's fees, and when the fees were last reviewed.

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-304 and 2003-305 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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142-109

9/23/03

(3:15 P.M.) REPORT ON ESTABLISHING THE FEASIBILITY OF A NOT-FOR-PROFIT 501(c)(3) PROVIDING A VEHICLE FOR FINANCING AND REFINANCING OF CITY OF FRESNO PROPERTIES VIA SALE AND LEASEBACK OPTIONS

1. RESOLUTION NO. 2003-306 - 33RD AMENDMENT TO AAR 2003-209 APPROPRIATING \$95,000 FOR APPRAISALS
2. AUTHORIZE THE CITY MANAGER TO OBTAIN PROPOSALS AND EXECUTE AN AGREEMENT FOR APPRAISAL SERVICES FOR THIS TRANSACTION IN AN AMOUNT NOT TO EXCEED \$95,000

Finance Director/Controller Quinto reviewed the concept of a 501(c)(3) as contained in the staff report as submitted, addressed issues and concerns of council members at length, and emphasized if all issues are not addressed adequately she would not recommend moving forward with the transaction.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Councilmember Calhoun to the issue and related issues at length, stated he still had some concerns with turning over Council responsibility to another body, encouraged staff to look closely at every company who wants to be a part of this and requested staff obtain something in writing from the IRS that this concept is legal **(6 - 0)**, and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Duncan and later acted upon.

Councilmember Dages stated he opposed the issue as the City was borrowing itself out of debt, elaborated on the issue, and presented questions relative to the \$248 million, the annual payment, the \$15 - \$20 million return, concern with future councils making adjustments, this being a risky transaction, what city properties would be encumbered, who would determine what the proceeds would be used for, why in-house staff could not conduct the appraisals, need to have questions answered before appropriating funds, and what the current debt level was, with Ms. Quinto responding throughout.

Councilmember Duncan commended staff on the issue, stated this would also improve the accuracy of the City's financial statements; questioned if this was a new concept, what other cities were looking at this concept, and what the other benefits would be besides the appraisals; clarified Council was not making any final decision this date and was only committing itself to getting the best information available; questioned if staff viewed this as a risky proposal, if this concept was similar to Orange County's problems, and why the Mayor's Council of Economic Advisors felt this should be done; noted everyone always talks a lot about improving the economy and stated all available funds to invest in infrastructure needed to be looked at; urged support if even for the secondary benefits; and stressed all questions/concerns would be answered. Ms. Quinto and Mr. Webber, member of the Mayor's Council of Economic Advisors, responded to questions throughout.

Councilmember Perea stated although he shared some of the concerns he would support moving forward to get the information; stated he hoped down the road, if this passes, this would not turn into a food fight as he was reading staff has already earmarked the \$15-\$20 million; and stated he hoped the Administration would talk with council members on where to spend the money stressing there were many needs city-wide and everyone should work as a team on priorities.

Lengthy discussion continued. Ms. Quinto, City Attorney Montoy and Assistant City Attorney Hale responded to questions/comments of Acting President Castillo relative to the high rate of return on the investment, concern with the cost when expert in-house legal staff is available, if due diligence was needed on the concept or on the 501 (c)(3), staff's recommendation and what exactly Council would be approving this date, concurrence with Councilmember Dages that things were being done backwards, if the Mayor's Council of Economic Advisor's filled out conflict of interest forms and if that should be included as they would be lobbying Council to move this concept forward (with Ms. Montoy stating she would look into that issue), what city properties would be considered/looked at, and when a determination could be made to use the proceeds for Convention Center rehabilitation. Ms. Quinto reiterated and clarified Council would have the authority over the net proceeds, the investment fund, and operation of the city facilities -- not the 501(c)(3). Acting President Castillo stated when this comes back he will be very critical of the high job development activity, and added he would not support releasing any money for anything that did not have an implementation plan in place stressing before in debt the city a plan was needed that made sense and would sustain every administration. Ms. Quinto and City Manager Hobbs responded briefly to questions of Councilmember

Sterling and to additional comments/questions of Acting President Castillo relative to **(7 - 0)** the understanding that funds generated would specifically go first to the renovation of the Convention Center and not into the jobs initiative program, what exactly staff was planning to do with the money, if a professional appraisal was necessary, the “incredibility” of staff finding \$95,000 in the Convention Center fund in light of the “arguing/scratching over pennies” during budget deliberations, if any more funds were available in the Convention Center fund balance, how there could be salary savings, and if there were savings in any other departments. Acting President Castillo requested staff place on the agenda in two weeks a request for a staff report on the city’s savings.

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On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2003-306 hereby adopted, and the City Manager authorized to obtain proposals and execute an agreement for appraisal services for this transaction in an amount not to exceed \$95,000, by the following vote:

Ayes : Calhoun, Castillo, Duncan, Perea, Sterling, Boyajian
Noes : Dages
Absent : None

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(3-A) CONSIDER APPROVAL FOR A COUNCIL OVERRIDE VOTE OF THE NEGOTIATED AGREEMENT BETWEEN THE CITY AND GLOBAL SPECTRUM CORPORATION FOR THE OPERATION AND MARKETING OF THE FRESNO CONVENTION CENTER FACILITIES VETOED BY MAYOR AUTRY ON SEPTEMBER 18, 2003 - PRESIDENT BOYAJIAN

1. PRESENTATION BY GLOBAL SPECTRUM REGARDING CONTRACT NEGOTIATIONS AND LEGAL ISSUES - ACTING PRESIDENT CASTILLO (CONTINUED FROM EARLIER)

Speaking to the issue were: Val Saldana, Lang, Richert & Patch, on behalf of Global Spectrum and speaking as a concerned citizen, who stated the issue of how the city of Fresno is governed and how it does business with individuals/entities desiring to do business in the city was more important than the veto, spoke to their proposal, and urged Council to override the veto and move forward with the negotiated agreement; Kenneth Price, Baker, Manock and Jensen, representing SMG, who stated SMG’s proposal provided the best value for the city and explained; Barbara Hunt, 2475 S. Walnut, and Alex Correa, representing FCEA, who noted their opposition to privatization since the beginning and spoke to the issue of integrity and the decision made to go with Global, and urged Council to do what was best for the City and also uphold the integrity of Council as representatives of the people.

Councilmember Sterling spoke to and/or expressed strong concerns with the issue at length elaborating on the background of the issue, the “strong drumbeat for SMG” and the “one-sidedness” from the beginning, the Council decision to go with Global, the original evaluation review committee and a member of the committee (a City financial analyst) who felt Global was better and was eliminated from the committee, the Administration’s continued support for SMG, the SMG proposal being included in the budget before Council had an opportunity to vote on the Convention Center contract and that seeming illegal, the Mayor’s veto and his reasons therefore, the Mayor’s implication that she did something wrong in the process, the motion that she made, what Global promised her and what SMG told her about their company, the length the Mayor and his supporters went to “get their way”, statements made to the media, Global’s and SMG’s proposals and why she supported Global and not SMG, need to be business-friendly, the no-contact requirement in the RFP and the Mayor and staff meeting with SMG in violation of the rule, traveling/meeting/allowing lobbying with SMG all occurring while the Mayor wrote to Global telling them he could not meet with them due to the no-contact rule, Council approvals and the Mayor waiving and then resurrecting his veto power, how she took her responsibility to the citizens to make sound financial decisions very seriously and would continue to do so, commendation to President Boyajian for showing leadership in this matter and for being very consistent, The Rios Group lobbying issue, and the need to consider Global’s response to the veto message that Deputy Mayor Montero made the non-compete provision a major issue in their contract negotiations.

Assistant City Manager Souza responded to Councilmember Sterling’s allegations that city staff eliminated a member of the evaluation committee stating that did not occur and explained, and clarified no member of staff traveled with SMG to any sites at the expense of SMG nor was SMG involved in any of staff’s trips and explained.

Upon question of Councilmember Duncan, City Attorney Montoy confirmed the Charter defined certain rights and processes for the city’s Strong Mayor form of government, the Charter provided the Mayor the right to veto certain specified kinds of action, her office agreed the changes required Council approval, the approval of the negotiated agreement was a legislative act subject to veto, there was

nothing expressly stated in the Charter relative to the Mayor's obligations to communicate to the public and Council about the veto, and the Charter provided 10 days for the Mayor to veto a Council action. Councilmember Duncan stated he wanted these facts made clear due to the "legally suspect veto" term that used and stated it was up to Council to accept or reject his veto.

Upon question of Councilmember Perea, City Clerk Klisch advised Global's response to the veto message was part of the record. Councilmember Perea stated Councilmember Sterling did a great job on explaining the views of the Council majority; stated he was thoroughly disgusted with this entire process **(8 - 0)** and expressed concern with the RFP process stating there was no due process in it and it was not working; stated he was not convinced the Mayor wanted privatization but he was convinced he wanted SMG because SMG was built into the

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budget from the very beginning; spoke to the Council majority voting three times for Global and expressed concern with the matter being vetoed at the very end due to a provision that the deputy mayor asked for; stated he knew what the outcome would be this date and staff would return next week with a recommendation to give the contract to SMG and they would get it on a 4-3 vote; questioned if SMG would be held to the same standards that Global was held to or if there would be a non-compete clause; and reiterated he was disgusted and appalled at the way the City and the Administration did business and stressed this veto would send the message that the City would "do business with you if we like you" and he could not accept that.

Acting President Castillo stated the integrity of fairness had to be preserved and the bigger question this date was whether the Mayor had veto authority over the action taken on June 19, 2003, and ended 10 days later; spoke to process stating it appears the Administration has a very difficult time following process and elaborated speaking at length to the events that transpired including lobbying, e-mails, staff visiting sites, the city attorney being given only 24 hours to review the RFP, and issues related to the June 19th vote; stressed the process was not fair, was not intended to be fair, and was tainted from the beginning; stated Global was awarded the contract and staff was directed to staff to return in 30 days with a signed agreement and pointed out there was no boiler plate or performance measures set in place to determine the success or failure of either competitor; noted on September 16th the city manager opined there was a material difference due to IRS Rule 97-13, advised on June 19th direction was given to staff that any agreement signed should be in the confines of the IRS, and clarified this agreement was in the confines of the IRS; noted the city attorney opined there was no material difference, she advised Council it was up to them to make that determination, and emphasized if there had been a material difference Council would have voted on a new agreement; stated a lot of Mayor's reasons for vetoing the agreement were not consistent with what was in the RFP; and concluded stating he would be voting under protest and he felt this was a flawed system and an illegal vote. Responding to comments Mr. Souza clarified no one breached the RFP by contacting councilmembers as the prohibition related to staff and not to elected officials, and also pointed out there were no boiler plates prepared for SMG and the contract negotiations with SMG would have begun with SMG at the same point in time they began with Global.

President Boyajian spoke at length to the issue including his original vote for Global and reasons therefor, the precarious position he was put in, who could answer the question of what was the best deal for the city of Fresno, SMG's belief that they have a solution to the tax issue and if they could mitigate that issue, if rebating entire fees if goals are not met might now be another issue, incentive of buying down the stadium bonds, need to know all information to determine what is best for the city, if Global's management fees would have been \$80,000 less per year than SMG's and how the Administration rationalized that, original support for SMG's proposal relative to the rebate and paying down stadium bonds and things now unraveling, and if staff could report back next week with deal points or comparisons to determine the best deal if the veto is not overridden. Ms. Montoy, Mr. Hale and Mr. Souza clarified issues and responded to questions throughout

Deputy Mayor Montero stated he was torn between being insulted and the need to explain the Mayor's position after listening to comments and conjecture on the Mayor's motives; stated Councilmember Perea's comment that he thought the Mayor did not want outsourcing and just wanted SMG could not be further from the truth; clarified the Mayor to this day has never had a meeting with any representative of SMG as he did not think it would be appropriate and he wanted to stay out of the process--even though SMG did try to meet with him; spoke to the process that was undertaken and stated he was impressed by how it worked; stated the Mayor felt SMG most fully fulfilled the needs of the city and the recommendation was made for SMG and was backed up with very specific data to support that recommendation; noted the Mayor could have vetoed Council's action of June 19th to go with Global but he did not because of the process and because he wanted staff to work diligently to work out a contract; elaborated at length on the process, negotiation issues, the non-compete issue, why staff and the Mayor's administration felt SMG was the best deal, and Council's vote and the Mayor's veto rights; and concluded emphasizing there was no clandestine conspiracy on the part of the Mayor or his administration to do anything but what was best for the city and that they have been consistent throughout in their position or recommendation.

Responding to comments Acting President Castillo noted this Council had argued, debated, and made three decisions to award the contract to Global; stated when process is talked about the spirit of the Charter needed to be considered relative to what the veto was intended to do stressing it was not intended to bring back something over and over that you did not like; and concluded stating if this veto were to be overridden he would bet the Administration will find something wrong or a material difference and bring the matter back again as the intent was no longer privatization but about giving the award to a selected company.

A motion of Acting President Castillo, seconded by Councilmember Perea, to override the September 18, 2003, Mayoral veto of the Council vote approving the negotiated agreement with Global Spectrum Corporation for the operation and marketing of the Convention Center facilities failed, due to the need for five affirmative votes, by the following vote **(9 - 0)**:

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Ayes : Castillo, Perea, Sterling, Boyajian
Noes : Calhoun, Dages, Duncan
Absent : None

President Boyajian questioned if staff could provide comparisons of the two proposals and Acting President Castillo requested staff also report back on what the performance measures will be based on relative to the Convention & Visitors Bureau (CVB) and transient occupancy tax (TOT), with Mr. Souza responding. Ms. Montoy advised Council was going beyond the agenda item, it was not fruitful to give direction at this time, and stated the matter was now on the Administration's side and it was up to them to decide how they want to proceed about bringing back anything.

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(4:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF SEPTEMBER 16, 2003

(A) CONSIDER APPROVAL OF TWO (2) PURCHASE AGREEMENTS FOR ACQUIRING PROPERTY IN THE SOUTHEAST FRESNO REVITALIZATION PROJECT AREA (3834 AND 3856 E. DWIGHT WAY) (AGENCY ACTION)

(B) APPROVE REQUEST FOR CONFLICT OF INTEREST WAIVER FROM THE LAW FIRM OF ORRICK, HERRINGTON AND SUTCLIFFE REGARDING ROEDING INFRASTRUCTURE FINANCING (COUNCIL AND AGENCY ACTION)

(C) AUTHORIZE THE ADDITION OF A PROJECT COORDINATOR POSITION TO THE REDEVELOPMENT AGENCY

The entire meeting was laid over to September 30, 2003

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RECESS - 6:01 P.M. - 6:13 P.M.

(2-A) RESOLUTION NO. 2003-307 - CREATING A PUBLIC SAFETY COMMISSION TO CONDUCT AN ASSESSMENT OF THE PUBLIC SAFETY NEEDS OF THE CITY AND PROVIDE RECOMMENDATIONS TO THE MAYOR AND COUNCIL FOR THE DESIRED LEVELS OF PUBLIC SAFETY FOR OUR COMMUNITY INCLUDING A PUBLIC SAFETY FUNDING PLAN FOR THE FUTURE

Assistant City Manager Souza introduced the issue and gave a brief overview, and Police Chief Dyer and Fire Chief Brugeman further reviewed the issue as contained in the staff report as submitted and spoke to staff's work and what the needs assessment entailed.

Barbara Hunt, 2475 S. Walnut, spoke in support

Councilmember Calhoun spoke at length to the history and background of the issue stating this issue had been very long in the making and a lot of individuals had been involved in the process and elaborated, and made a motion to adopt the resolution. The motion was seconded by Councilmember Duncan who complimented staff on the report, stated this process would provide for an objective review of needs and challenges, and noted it would ultimately be up to the citizens to decide what level of public safety they desire. Upon the suggestion of Acting President Castillo, Mr. Souza stated the process to establish the nominating committee was already included in the resolution. President Boyajian noted Councilmember Calhoun made a good point and questioned if staff was planning to talk with the Sheriff's department relative to consolidating services for cost savings and if there was a County contact person for this endeavor, with Chief Dyer responding.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2003-307 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(5:15 P.M.) CONTINUED HEARING ON REZONE APPLICATION NO. R-02-038 AND ENVIRONMENTAL FINDINGS, FILED BY DIRK POESCHEL ON BEHALF OF JOHN ASHLEY, PROPERTY LOCATED NORTH OF W. BARSTOW EAST OF N. BRAWLEY AVENUE AND SOUTH OF THE BURLINGTON NORTHERN SANTA FE RAIL LINE (DISTRICT 2)

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-02-038
2. **BILL NO. B-88 - ORDINANCE NO. 2003-88 - AMEND THE OFFICIAL ZONE MAP TO REZONE FROM R-A TO R-2**

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Planner Allinder reviewed the issue as contained in the staff report at length, using a map to illustrate, recommended approval, and noted the ordinance bill had an incorrect date due to the hearing being continued and advised the corrected ordinance had been submitted to the city clerk. Acting President Castillo left and was absent for the remainder of the meeting.

Speaking to the issue were: Dirk Poeschel, representing the applicant, 923 Van Ness, who reviewed the history and background of the issue, related issues, and the proposed project at length **(10 - 0)**, displaying renderings to illustrate, and urged approval; Jim Donabend, 4156 W. Regency, who submitted written material, support for the project; Timothy Jones, on behalf of the applicant, 2445 Capitol St., support; Barbara Hunt, 2475 S. Walnut, support; Tabitha Beaujot, 4238 W. Capitola, opposed/spoke to the need for a plan for the area; Dana K. Smith, President, New America Homes, who stated he was misquoted by Mr. Donabend and spoke in opposition to the project; John McCann, 6750 N. Knoll, opposed; Richard Harriman, 4321 N. West, Ste. 106, representing Valley Advocates, and Citizens for a New Fresno, opposed; Sally Allen, 5455 N. Marty #189, opposed; and Rose Marie Pedrosa, 6104 N. Tracy, opposed.

Upon call, no one else wished to be heard and President Boyajian closed the public hearing.

Councilmember Calhoun noted there was a long history involved with this property relative to noticing and request for area residents' input, and at his request Planning & Development Director Yovino spoke to the extensive noticing that was done by the city and by the applicant on his own, responded to some comments made, and spoke to the general plan and how it related to the site **(11 - 0)**. Councilmember Calhoun stated the area was a dumping ground and he had received many complaints; noted this was an in-fill area and the proposed project was a good one; expressed his disappointment with the 11th hour attack by a competitor he said does not want to see competition next door; questioned American Dream Homes/Spencer Enterprises and whether they had a legitimate interest in the area neighbors; reiterated this was a good project, one neighbors would be proud of, and he could find no grounds to deny it; and stated he wanted it made clear the project would be built out according to the design standards, color standards, renderings, and everything else that was discussed, and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

Relative to comments made on the number of apartment complexes in areas Councilmember Dages stressed southeast Fresno also had massive clusters of apartment complexes; noted the general plan was structured to allow these clusters and stated he was going to start voting against them starting now; and expressed his concern with this project, with another apartment project on Nees west of Blackstone, and with the current vacancy factor in this area and questioned what could be done, with Mr. Yovino responding.

Councilmembers Sterling spoke at length to her experience and knowledge gained while serving on the planning commission relative to these types of properties and the best uses and stated her support. Councilmember Perea stated this was an interesting project, one that he received a lot of calls requesting his support for, and a was high quality project, and stated it was unfortunate one developer was trying to stop this because they wanted to build there and make money. President Boyajian spoke at length to issues relative to an EIR for the project or area, the need for an EIR to determine cumulative impacts of the many other apartment complexes in the area, the poorly designed Figarden Loop, difficulty in locating some complexes, the exorbitant cost to implement this project, dangerous/confusing area and streets, apartments not being the proper use, the big issue being public safety/traffic congestion/air pollution and need to look at developers who will mitigate impacts, and stated he would not support the project.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, Environmental Assessment No. R-02-38/C-03-007/VA-10488, dated August 13, 2003, resulting in a Mitigated Negative Declaration thereby denying the appeal of Environmental Assessment No. R-02-38/C-03-007/VA-10488 hereby approved, and the above entitled Bill No. B-88 adopted as Ordinance No. 2003-88, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling
Noes : Dages, Boyajian
Absent : Castillo

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(4:00 P.M. #1) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL/ANTICIPATED LITIGATION - CASE NAME: CLAIM OF ARCHIE CRIPPEN

Laid over one week.

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ADJOURNMENT

There being no further business to bring before the City Council, the hour of 8:13 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the ____30th____ day of _____September_____, 2003.

Tom Boyajian, Council President

ATTEST: Yolanda Salazar, Assistant City Clerk

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